UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID SINGLETARY, Plaintiff, vs. RITALBEN, INC., et al., Defendant.	CASE NO. 07cv2022-JM (WMc) ORDER SCHEDULING EARLY NEUTRAL EVALUATION CONFERENCE

IT IS HEREBY ORDERED that an Early Neutral Evaluation of the above entitled action will be held on ***November 15, 2007,*** at ***9:00 a.m.*** in the chambers of United States Magistrate Judge William McCurine, Jr., 940 Front Street, Courtroom C, San Diego, California, 92101. **Absent extraordinary circumstances, requests for continuances will not be considered *unless* submitted *in writing* no less than fourteen days prior to the scheduled conference.**

Pursuant to Civil Local Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, **all counsel and all parties, and any other person(s) who has full and unlimited authority to negotiate and enter into a binding settlement shall appear *in person* at the conference and shall be prepared to discuss the claims, defenses and damages**. **Governmental entities may appear through litigation counsel only. As to all other parties, appearance by litigation counsel only is *not* acceptable**. The parties must be prepared to present demands and offers of settlement. **The failure of any counsel, party or authorized person subject to this order to appear in person or to otherwise comply with the orders herein, will result in the**

immediate imposition of sanctions. Sanctions will include, but will not be limited to, the attorneys' fees and travel costs of the other parties in the case. In addition, the conference will not proceed and will be reset to another date.

Plaintiff's counsel shall serve a copy of this Notice and Order on all defendants making an appearance after the date of this notice.

All conference discussions will be informal, off the record, privileged and confidential.

Based upon the Court's familiarity with these matters and in the interest of promoting the just, efficient and economical determination of this action, the Court issues the following orders at this time:

1. All formal discovery shall be stayed in this case until the completion of the Early Neutral Evaluation Conference set herein;

2. On or before ***November 7, 2007***, Plaintiff's counsel shall lodge, NOT FAX, with Magistrate Judge McCurine's chambers and serve on opposing counsel a statement, not in excess of two pages, including:

   a. An itemized list of the specific issues on the subject premises which are the basis of the claimed violations under the Americans with Disabilities Act;

   b. A statement of the amount and category of damages claimed by Plaintiff in this action;

   c. The amount claimed for attorney's fees and costs; and,

   d. The Plaintiff's demand for settlement of the case in its entirety.

3. After service of Plaintiff's statement and no later than ***November 13, 2007***, counsel for the parties, and any unrepresented parties, shall **meet and confer in person at the subject premises** regarding settlement of (1) the alleged premise violations, and (2) damages, costs and attorney fee claims. Plaintiff's counsel shall be responsible to make the arrangements for the conference. **The meet and confer obligation cannot be satisfied by telephone or the exchange of letters**. No later than ***November 14, 2007,*** counsel shall lodge with Magistrate Judge McCurine's chambers a joint statement certifying that the required ***in-person conference*** between counsel has taken place and advising the Court of the status of settlement negotiations and setting forth all issues in dispute, including property

issues, Plaintiff's alleged damages, and the claim for attorney's fees and costs, along with a description of any settlement demands and/or offers exchanged.

4. Plaintiff's counsel shall be prepared to present documentation to the Court, at the Early Neutral Evaluation Conference, to support the amount of attorney's fees and costs claimed for *in camera* review.

5. In the event the case does not settle at the Early Neutral Evaluation Conference, the parties shall also be prepared to discuss the following matters at the conclusion of the conference:

a. Any anticipated objections under Federal Rule of Civil Procedure 26(a)(1)(E) to the initial disclosure provisions of Federal Rule of Civil Procedure 26(a)(1)(A-D);

b. The scheduling of the Federal Rule of Civil Procedure 26(f) conference;

c. The date of initial disclosure and the date for lodging the discovery plan following the Rule 26(f) conference; and,

d. The scheduling of a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b).

The Court will issue an appropriate order addressing these issues and setting dates as appropriate.

Questions regarding this case may be directed to the Magistrate Judge's chambers at (619) 557-6624.

IT IS SO ORDERED.

DATED: October 30, 2007

Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court

cc: Honorable Jeffrey Miller
U.S. District Judge

All Parties and Counsel of Record